

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 139

HOUSE BILL 2617

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-941.01; RELATING TO WORKERS' COMPENSATION CLAIMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 6, article 3, Arizona Revised Statutes,
3 is amended by adding section 23-941.01, to read:

4 23-941.01. Settlement of claims; definition

5 A. ANY FINAL SETTLEMENT AGREEMENT INVOLVING A WORKERS' COMPENSATION
6 CLAIM IS NOT VALID AND ENFORCEABLE UNTIL THE FINAL SETTLEMENT AGREEMENT IS
7 APPROVED BY THE COMMISSION.

8 B. SUBJECT TO THE FOLLOWING REQUIREMENTS, THE PARTIES MAY ENTER INTO A
9 FINAL SETTLEMENT AND RELEASE OF A CLAIM FOR UNDISPUTED ENTITLEMENT TO
10 SUPPORTIVE MEDICAL MAINTENANCE BENEFITS AFTER THE PERIOD OF TEMPORARY
11 DISABILITY IS TERMINATED BY A FINAL NOTICE OF CLAIM STATUS OR AWARD OF THE
12 COMMISSION. THE CARRIER OR EMPLOYER SHALL SUBMIT A SUMMARY OF ALL REASONABLY
13 ANTICIPATED FUTURE SUPPORTIVE MEDICAL MAINTENANCE BENEFITS AND THE PROJECTED
14 COST OF THE BENEFITS FOR REVIEW BY THE EMPLOYEE. THE SUMMARY SHALL ALSO BE
15 INCLUDED WITH THE FINAL SETTLEMENT AGREEMENT FILED WITH THE COMMISSION. ALL
16 MEDICAL CONDITIONS SUBJECT TO THE FINAL SETTLEMENT AGREEMENT MUST BE
17 DESCRIBED IN THE FINAL SETTLEMENT AGREEMENT. THE FINAL SETTLEMENT PROVISIONS
18 DEFINED IN THIS SUBSECTION SHALL ONLY APPLY TO FUTURE SUPPORTIVE MEDICAL
19 MAINTENANCE BENEFITS FOR THE DESCRIBED CONDITION.

20 C. THE EMPLOYER OR CARRIER SHALL INFORM THE ATTENDING PHYSICIAN OF THE
21 APPROVAL OF A FINAL SETTLEMENT AGREEMENT IF THE FINAL SETTLEMENT AGREEMENT
22 TERMINATES THE EMPLOYEE'S ENTITLEMENT TO SUPPORTIVE MEDICAL MAINTENANCE
23 BENEFITS. UNLESS SUPPORTIVE MEDICAL MAINTENANCE BENEFITS RENDERED PRIOR TO
24 THE DATE OF THE FINAL SETTLEMENT ARE SUBJECT TO A DISPUTE OR PAYMENT FOR THE
25 TREATMENT WAS INCLUDED IN THE FINAL SETTLEMENT AGREEMENT, THE EMPLOYER OR
26 CARRIER SHALL REMAIN RESPONSIBLE FOR PAYMENT FOR THE TREATMENT NOT COVERED BY
27 THE FINAL SETTLEMENT AGREEMENT AS PROVIDED BY THIS CHAPTER.

28 D. FOR THE PURPOSES OF THIS SECTION, "FINAL SETTLEMENT" MEANS A
29 SETTLEMENT IN WHICH THE INJURED WORKER WAIVES ANY FUTURE ENTITLEMENT TO
30 SUPPORTIVE MEDICAL MAINTENANCE BENEFITS FOR KNOWN CONDITIONS DESCRIBED IN THE
31 AGREEMENT.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House March 10, 20 11

by the following vote: 40 Ayes,

20 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 20 11

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

H.B. 2617

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 11, 2011,

by the following vote: 50 Ayes,

8 Nays, 2 Not Voting

[Signature]
Speaker of the House
Cheryl Laube Pro Tempore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2011,

at 8:21 o'clock A.-M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April, 2011,

at 10:59 o'clock A.-M.

[Signature]
Governor of Arizona

H.B. 2617

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of April, 2011,

at 12:19 o'clock P.-M.

[Signature]
Secretary of State